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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

CHETCO RIVER RESORT, LLC, an
Oregon limited liability company;
WHITE ROCK RESORT, LLC, a
California limited liability
company; and RV RENTAL SERVICES,
INC., a California corporation,

09-3064
Civ. No. 01-01283-PA

ORDER

Plaintiffs,

v.

KEN PODESTA-DANIELS, LAURIE
PODESTA-DANIELS, and STACY
MILLER,

Defendants.

PANNER, District Judge:

On December 1, 2009, I granted plaintiffs' motion to dismiss without prejudice [#26] but with costs and fees to defendants [#29]. Defendants requested fees and costs in the amount of \$10,238.50. Plaintiffs objected to some of the fees and costs. I deny plaintiffs' request for oral argument as unnecessary and for the reasons stated below, grant defendants attorney fees in the

amount of \$6,348.26 and costs in the amount of \$100.00.

It is impossible for the court to determine with complete accuracy how much of the work incurred by defendants in this case will be beneficial to defendants in the related California case. After review, the court concludes that 2/3 of the attorney fees were the result of defending this case. The court adjusts the requested amount of \$10,338.50 to \$6,892.26.

The court declines to reduce the fee award by the amount Ken Podesta-Daniels is required to pay plaintiffs in the California case.

The court finds defendants' claims for fees relating to clerical work are appropriate.

The court deducts any fees incurred after plaintiffs filed the motion to dismiss on November 20, 2009. Thus, the court deducts \$360.00 incurred by Brandon C. Floyd on November 23, 2009, and \$84.00 incurred by Russell D. Bevans on the same date. These deductions equal \$444.00.

The court deducts the October 5, 2009 *pro hac vice* filing fee of \$100.00. This fee is included as "costs," and should not be billed twice.

Thus, I deduct \$544.00 from \$6,892.26 for a total of \$6,348.26. The court finds \$6,348.26 is a reasonable amount to award defendants for attorney fees. Costs and disbursements to defendants allowed in the amount of \$100.00.

IT IS SO ORDERED.

DATED this 27 day of January, 2010.



OWEN M. PANNER
U.S. DISTRICT JUDGE